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SUBJECT: LEBANON: BRAMMERTZ PREDICTABLY TIGHT-LIPPED IN
UNSC MEETING

REF: USUN 1116

¶1. (SBU) Summary. During a December 5 open briefing to the UNSC and closed consultations with member states that followed, departing UN International Independent Investigation Commission (UNIIIC) head Serge Brammertz hewed closely to his written report to the Council and declined to provide more information about the state of his investigation. Amb Khalilzad praised Brammertz and the progress the Commission had achieved thus far. He urged UNIIIC to complete its investigation as soon as possible and the UN Secretariat to set up the Special Tribunal for Lebanon quickly. Turning to the Lebanese presidential elections, Amb Khalilzad also called for free and fair elections to be held "without conditions, without delay, and without foreign interference." European delegations generally supported the call for the rapid establishment of the Tribunal. Russia argued that UNIIIC should continue its work until its investigation is over and that the Commission and Tribunal should not exist simultaneously. Other delegations praised positive Syrian cooperation with UNIIIC. After the consultations, the Council President read out an oral press statement on UNIIIC and the tribunal (below). End Summary.

Brammertz Declines to Provide More Detail

¶2. (SBU) During his public briefing to the UNSC, Brammertz revealed few details about the state of his investigation, and largely repeated the technical points in his written report to the Council. Asked whether he could provide more information in closed consultations, Brammertz declined to do so, describing a "duty of confidentiality" towards both potential suspects and witnesses. He added that if the Commission were to disclose names of suspects, the witnesses who identified them or the suspects themselves might disappear. Brammertz identified the major challenge in making the transition between UNIIIC and the tribunal as ensuring the retention of staff. He reported that UNIIIC has begun working with the UN Secretariat on ways to clarify future job prospects to entice Commission staff to remain with the organization in the run-up to the operationalization of the tribunal. In response to questions about whether UNIIIC has been distracted from the Hariri probe by its work on the other 18 cases, Brammertz repeated his view that the other investigations have helped to shed light on the Hariri assassination itself.

U.S. Pushes for Tribunal and Elections Now

¶3. (SBU) Amb Khalilzad commended Brammertz for his leadership of UNIIIC, congratulated Bellemare on his appointment, and welcomed the progress the Commission has achieved in its

investigation thus far. He urged the Commission to complete its work as soon as possible and encouraged the UN Secretariat to ensure the Tribunal becomes operational

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quickly. Recalling the initial U.S. contribution of USD 5 million to fund the Tribunal, Amb Khalilzad called on other countries to do their part as well. Turning to the Lebanese presidential elections, he deplored the fact that Lebanon's parliament had not been allowed to meet in conformity with the country's constitution. Amb Khalilzad called for elections to take place "without conditions, without delay, and without foreign interference." Decrying the fact that several Lebanese MPs and the Prime Minister himself had been forced to seek refuge in their offices and hotels for fear of assassination, he underscored the need for the rapid establishment of the Tribunal as a means to end impunity in Lebanon and uphold Lebanese democracy.

Others Commend Syria and Call for Tribunal Setup

14. (SBU) European delegations joined Amb Khalilzad in pressing for the rapid establishment of the Tribunal. The UK and France noted that while the Council could not determine the future of the Commission yet, they hoped the SYG would be able to declare the tribunal operational soon. Russia argued UNIIIC should continue its work until its investigation is over, and transfer its work to the tribunal only when appropriate, but underscored that UNIIIC and the tribunal should not exist in parallel. South Africa asked whether the Council needed so many reports from UNIIIC, whether it had been distracted by its work on the other 18 cases, and warned against politicization of its investigation. Several delegations, including Russia, Slovakia, Indonesia, South Africa, and Italy welcomed positive Syrian cooperation with the Tribunal. Italy, praising Syria's participation in the

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Annapolis conference, expressed hope that the SARG's cooperation with the tribunal was another example of its willingness to play a constructive role in the region.

Council Adopts Oral Press Statement

15. (U) After the consultations, the Council President (Italy) read out the following oral press statement on behalf of Council members:

The members of the Security Council received today the last briefing from Mr. Serge Brammertz in his capacity of Commissioner of the United Nations International Independent Investigation Commission into the assassination of former Prime Minister Rafiq Hariri.

They commended Mr. Serge Brammertz for his outstanding work as the head of the Commission and thanked him for his leadership in advancing the investigation and for his commitment to assisting the Lebanese Government and people in bringing an end to impunity in their country.

The members of the Security Council welcomed the Secretary-General's decision to appoint Mr. Daniel Bellemare

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as the next Commissioner as well as the Prosecutor of the Special Tribunal for Lebanon, while taking note that he will commence his official duties as Prosecutor at a later date.

They reiterated their support for the work of the Commission, in particular to prepare the transition to the Office of the Prosecutor of the Special Tribunal for Lebanon.

The members of the Security Council recalled their support for the Secretary-General's efforts for the rapid

establishment of the Special Tribunal for Lebanon, according to resolution 1757 (2007).

They reiterated their support for the Secretary-General's call on Member States to contribute financing, in accordance with the provisions of resolution 1757 (2007), to the establishment and activities of the Special Tribunal.
Khalilzad